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PREVENTION OF DISCRIMINATION AGAINST AND
THE PROTECTION OF MINORITIES

Letter dated 26 July 1999 from the Chargé d'affaires a.i. of the Permanent Mission of Azerbaijan to the United Nations Office at Geneva addressed to the secretariat of the fifty-first session of the Sub-Commission on the Promotion and Protection of Human Rights

I have the honour to transmit to you annexed herewith* information on the State policy of the Republic of Azerbaijan on the protection of the rights and freedoms of persons belonging to national, religious and linguistic minorities.

I would be grateful if you could circulate the present letter and the above-mentioned information as an official document of the fifty-first session of the Sub-Commission on the Promotion and Protection of Human Rights under item 8 of the provisional agenda.

(Signed): M.-A. Mammedov
Chargé d'affaires a.i.

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* The annex is reproduced in Russian, as received, and in English only.

Annex

The State policy of the Azerbaijani Republic regarding the rights and freedoms of national, religious and linguistic minorities

Independent Azerbaijan is a multi-ethnic republic. As has been repeatedly stated by the President of Azerbaijan, Heydar Aliyev, the polyethnicity of the Azerbaijani Republic is our priceless treasure. An important condition for achieving stability, national unity and success on the path to democracy and economic reforms has been the implementation of a civilized nationality policy based on the democratic equality of all citizens before the law.

In Azerbaijan, various ethnic minorities have lived together with Azerbaijanis for centuries in peace and harmony. It may be stated that this ethnic multiplicity has been preserved in Azerbaijan to the present day. We can say with pride that at no time in the history of Azerbaijan have there been recorded cases of religious or ethnic intolerance and discord or of discrimination on ethnic grounds.

Virtually all of the world's religions are represented in Azerbaijan, where there are functioning mosques, churches and synagogues. This is due above all to the mentality of the Azerbaijani nation, to which chauvinism and nationalism have been historically alien and which has always been distinguished by its respect for the convictions and spiritual values of other peoples, by religious tolerance and by tolerance generally.

Democratic and independent Azerbaijan is still true to its historical traditions. Despite the aggression of Armenia and the economic and social difficulties of the transition period, the Azerbaijani leadership is continuing to pursue an ethnic policy of equality before the law and trust. Even under those conditions, Azerbaijan is pursuing a modern nationality policy based on civilized norms and is the guarantor that, regardless of nationality, language and religion, the rights of all citizens of the Azerbaijani Republic will be protected and respected. The legislative basis for Azerbaijan's present nationality policy is the Constitutional Act on the State Independence of the Azerbaijani Republic (1991) and the Constitution of the Azerbaijani Republic (1995). Azerbaijan has subscribed to the Universal Declaration of Human Rights, to the Helsinki Final Act of the Conference on

Security and Co-operation in Europe (CSCE), to the International Covenant Civil and Political Rights, to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, to documents of the Copenhagen and Moscow Meetings on the Human Dimension of CSCE and the Cracow Symposium on Cultural Heritage, to the Charter of Par for a New Europe and to other international documents.

In the very first legislative document of the sovereign State of Azerbaijan, the Constitutional Act on State Independence, it is stated in Article 19 that: "All citizens of the Azerbaijani Republic are equal bef the law. The Azerbaijani Republic, subscribing to the Universal Declarat of Human Rights, the Helsinki Final Act and other generally recognized international legal documents, shall ensure that all the rights and freed envisaged in them are observed and may be exercised without hindrance, irrespective of sex, race, nationality, religion, social origin, politic convictions or any other factor."

The Constitution of the Azerbaijani Republic, adopted on 12 November 1995 following a general referendum, is the fundamental poli document shaping the life and activities of the present and future gener of the Azerbaijani people. Chapter III of the Constitution - "Fundamenta human and civil rights and freedoms" - contains 47 articles covering the entire spectrum of the rights of a person living in a modern civilized S It should be noted that Article 25 of the Constitution of Azerbaijan guarantees equal rights and freedoms to all persons irrespective of race nationality, religion, language, sex, origin, property and occupational status, and political convictions. The same article prohibits the infringement of the rights and freedoms of any person on the grounds of or national peculiarities, religion, language, sex and political convict An important principle of the nationality policy of the young sovereign is set forth in Article 44 of the Constitution, which guarantees each pe right to a nationality. Under Article 45, each person has the right to his/her mother tongue and no one may be deprived of that right.

Clear evidence of the attachment of the Azerbaijani Republic to ge human values and to the principles of a democratic State governed by the of law is its policy as regards protecting the rights and freedoms of na minorities. Azerbaijan has, together with other CIS countries, signed t Framework Convention for the Protection of National Minorities.

National minorities are represented in the Parliament of the Republic. Their representatives hold senior posts in public bodies of the Republic and of regions, towns and villages - and not only where ethnic minorities are living in compact groups. A consultative council consisting of representatives of national minorities has been established to advise the State Counsellor for Questions of Nationality Policy. National minorities have their own national cultural centres and societies, whose activities are subsidized from the country's State budget and also from the presidential purse.

Newspapers and magazines appear, television and radio programmes are produced, books and manuals are published, teaching at schools and universities is conducted, theatres and literary societies operate and various other activities take place in the languages of national minorities.

It should be emphasized that national cultural centres and societies not only concern themselves with promoting ethnic cultures, customs and traditions - they also do much to help create an atmosphere of inter-ethnic harmony within the country.

A powerful factor unifying all national minorities has been the struggle against Armenian aggression and the idea of defending Azerbaijan's sovereignty and territorial integrity. In the ranks of the Azerbaijani Army, representatives of the various peoples living in the Republic have stood shoulder to shoulder and fought heroically: Jews, Russians, Belarusians, Ukrainians, Lezgins, Kurds, Talyshes, Tsakhurs, etc. Many of them have been posthumously awarded the title of National Hero of Azerbaijan and decorated with orders and medals of the Republic.

An important circumstance characterizing the situation of the national minorities in Azerbaijan and the attachment of our State to the principles of democracy and the protection of human rights is the fact that there are at present living in Azerbaijan, outside Nagorno-Karabakh, 30,000 Armenians - 20,000 of them in the capital Baku.

However, there are also problems in this area. The burdens of war and economic crises are undoubtedly having a negative impact on the social conditions and morale of all sections of the population and on the scope for meeting the cultural, linguistic and other needs of minorities. For example, we are very concerned about the emigration from Azerbaijan due primarily to the war and the deterioration of living conditions. Unfortunately,

Azerbaijanis are among those who are leaving - convincing proof of the fact that the migratory movements are in no way connected with the situation as regards inter-ethnic relations.

A further problem should also be borne in mind. Emphasis is always placed on the rights of national minorities, but it is also important to speak about their obligations, since the dangers associated with separatism and making a fetish of self-determination are not always adequately appreciated. Those belonging to the ethnic majority sometimes constitute, in numerical terms, an extremely vulnerable minority in parts of the country where an ethnic minority group is in a majority within a certain locality. Ethnic cleansing and other flagrant violations of human rights are indeed sometimes carried out by members of ethnic minority groups in parts of the country where they are in a strong position. By way of example, one may cite Azerbaijan's Nagorno-Karabakh region, where separatists drove the Azerbaijani community, which constituted a national minority, from their indigenous homes.

As regards the current issues that need to be resolved in the field of ethnic relations, there are in particular a multitude of social, economic and everyday problems, including an acute shortage of housing due to the existence of some million refugees. This is affecting the situation of the entire population, including the national minorities.

In order to resolve these problems, which the Azerbaijani authorities are considering within the general context of the protection of human rights, the young sovereign Republic naturally requires the assistance of the world community and of international organizations. Cooperation with them will make possible the observance of all civilized norms of communal life and of the principles of international law and eliminate the threat to the national unity and territorial integrity of the Azerbaijani Republic. Ultimately, this will create the conditions necessary for large-scale and full-blooded democratic reform in Azerbaijan, helping to preserve a unique multi-ethnic atmosphere, a synthesis of cultures, languages, religions and ethnic groups, and a great diversity of life, and to promote harmony among and the development of Azerbaijan's various peoples within the bosom of a single family.